

VZCZCXYZ0000
PP RUEHWEB

DE RUEHBO #0940/01 0702212
ZNR UUUUU ZZH
P 102212Z MAR 08
FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC PRIORITY 1848

UNCLAS BOGOTA 000940

SIPDIS

SENSITIVE
SIPDIS

FOR G/TIP, G, INL, DRL, PRM, WHA/PPC

E.O. 12958: N/A
TAGS: [KCRM](#) [PHUM](#) [KWMN](#) [SMIG](#) [KFRD](#) [ASEC](#) [PREF](#) [ELAB](#) [CO](#)
SUBJECT: COLOMBIA'S EIGHT ANNUAL ANTI-TRAFFICKING IN
PERSONS (TIP) REPORT

REF: SECSTATE 2731

This report is sensitive but unclassified. Please handle accordingly.

¶1. (U) Embassy point of contact on trafficking in persons is human rights officer Scott Fagan, phone number (57-1) 383-2122, fax number (57-1) 315-2163. Officer spent 48 hours preparing the report.

¶2. (U) Responses below are to questions in paragraphs 27-30 of reftel.

SUMMARY

¶3. (SBU) During the reporting period, Colombia's Prosecutor General opened 182 new investigations of trafficking in persons, up sharply from 49 last year, but prosecutions fell from 63 to 44. Six cases resulted in convictions. The Government of Colombia continued work on the Anti-Trafficking Operations Center (COAT) in 2007 to serve victims, and expects to open the center in spring 2008. The GOC sponsored public campaigns on trafficking prevention and began implementing the National Integral Strategy for the Fight Against Trafficking in Persons. End Summary.

Overview

27.A. (SBU) Colombia is a significant source of trafficking victims, primarily women and children destined for sexual exploitation, according to both Government of Colombia (GOC) and non-governmental organization (NGO) reports. Some Colombian men are trafficked for forced labor. Post has received some unconfirmed reports that human traffickers use Colombia as a transit country for victims from Ecuador, possibly other Andean countries, and in some instances China. Specific cases dealing with victims in transit from China are also reported. Most trafficking cases never see prosecution or investigation due to victims failing to report the crime once they have escaped. Traffickers recruit their Colombian victims primarily by offers of employment, study, or marriage, through personal contact and press advertisements. Post has received reports that criminals in debt to their organizations will occasionally offer to introduce traffickers to family members to facilitate recruitment. Colombian victims are trafficked to Japan, Spain, Ecuador, Panama, Hong Kong, Germany, Argentina, Italy, Portugal, the Netherlands, Venezuela, the United States, China, the Philippines, Singapore, Thailand, Vietnam, Costa Rica, Peru, Mexico, Iran, Jordan and Aruba, principally for the purposes of sexual exploitation, forced labor, and forced servitude

(land or debt peonage, servile marriage). Trafficking also occurs within Colombia's borders with some human rights groups reporting that it is worse in areas where terrorist and criminal groups are active.

The Prosecutor General's Office (Fiscalia), the Department of Administrative Security (DAS), the Ministry of Interior and Justice (MININT), or the Supreme Council of the Judiciary (Consejo Superior de la Judicatura, or CSJ) provide information about trafficking in persons. The GOC Inter-institutional Committee for the Fight against Trafficking in Persons (ICFTP), established informally in 2003 and formally in 2005, has designed a database to track and monitor statistics on trafficking cases. The database was stalled in early 2007 due to hardware and software problems, but the ICFTP worked with the International Office on Migration (IOM) to launch the Inter-Institutional Database Against Trafficking (RITRA). The database, administered by the Fiscalia, allows the Colombian National Police (CNP), the Fiscalia, DAS, and the Inspector General's office (Procuraduria) to share information about traffickers and victims. IOM and the ICFTP trained officials on the use of the database in regions identified as vulnerable to trafficking. In the past, DAS, which has responsibilities similar to the FBI, had estimated between 45,000-50,000 Colombian women worked as prostitutes overseas, some victims of trafficking, with an average of 2-10 victims departing the country per day. Still, the DAS and human rights groups agree these numbers are impossible to verify. Based on data collected, children and women tend to be most vulnerable, especially children between 12-17 years old and women 18-30 years old. Despite advances in information sharing due to RITRA, data remains incomplete for two reasons. First, gaps remain in coordination on the tracking of cases. For example, an arrest made by the DAS for the crime of trafficking may be

later prosecuted by the Fiscalia as organized crime because trafficking cannot be proven in a court. Second, the GOC relies heavily on international organizations and NGOs to initiate contact with victims, who may never report their case of trafficking as a crime or feel comfortable passing all their information to the groups involved. Groups most at risk of being trafficked were displaced people, women in rural areas, and people whose relatives were members of criminal organizations.

27.B. (SBU) Colombia remains committed to fighting trafficking in persons, and has established a comprehensive inter-agency program to coordinate this fight with international and human rights groups. In 2005, Colombia passed Law 985, which criminalized the act of transporting a person with the goal of exploitation, regardless of whether the victim had initially given consent to travel. The law also adopted measures for prevention, protection and assistance to victims or potential victims; formally established the ICFTP; increased sentences for those convicted to between 13 and 23 years in prison and fines between 800 to 1,500 times the minimum salary; proposed a national strategy against trafficking in persons; strengthened units involved in investigating and prosecuting trafficking crimes; set up a national system of information on trafficking; and appropriated funds to combat trafficking. The internal armed conflict in Colombia has impacted trafficking because it creates displacement, making displaced persons more vulnerable. Also, internal armed actors and criminal gangs are responsible for trafficking in arms, drugs, and people. These actors use both physical and psychological threats to recruit trafficking victims. While exact numbers are unknown, it is suspected that internally displaced people are the most likely victims of trafficking. According to UNHCHR, 74 percent of the displaced are women and children, who represent the majority of trafficking victims in Colombia. The government continued to develop an action plan for the protection of victims during the course of the year. The IOM and Colombian NGOs estimate that international organized crime networks are responsible for the bulk of transnational trafficking. Other cases, such as for servile marriage, have been traced to internet dating

services and family exploitation. Internally, organized crime networks -- some related to foreign terrorist organizations (FTOs) -- traffic people for sexual exploitation or organized begging. Human Rights NGOs estimate children have been forcibly recruited into terrorist or illegal groups, while the GOC estimates approximately 25,000 are working as sex workers, some of whom are victims of trafficking. Local criminal gangs traffic many displaced people for labor exploitation when they arrive at their new destinations. The Hope Foundation estimates agencies for employment, travel, and tourism are often either knowingly or innocently facilitate the trafficking. Some corrupt government officials are suspected to be involved in trafficking, especially in providing fraudulent travel documents. Still, no cases were brought to officials' attention in 2007. It is suspected that the profits from trafficking either go to private individuals or to criminal networks.

27.C. (SBU) The Government has six entities that work to combat trafficking and monitor prosecution, prevention and victim protection: the MININT which presides over the ICFTP; DAS, which houses the offices that monitor migration and coordinate with INTERPOL; the Unit to Combat Trafficking in Persons, Sexual Violence and Child Victims in the Fiscalía; the Grupo Humanitas inside the Judicial Police section of the CNP; the Family Welfare Institute (ICBF); and the Ministry of Foreign Affairs (MFA). Fourteen agencies are members of the ICFTP: MININT, MFA, Ministry of Social Protection (MSP), Ministry of Education, DAS, the CNP, the Fiscalía, the Procuraduria, the Office of the Human Rights Ombudsman (Defensoria), Interpol, ICBF, the Presidential Advisor for Equality of Women, The Ministry of Defense organization FONDELIBERTAD, and the Special Administrative Unit for Information and Financial Analysis.

27.D. (SBU) The GOC has increased its funding, but it remains hampered in its fight against trafficking by limited resources. As a result, it relies heavily on NGOs and international organizations in the fight against trafficking.

Some NGOs have reported in the past that corruption of government officials was a problem -- for example, in some places it is not difficult to fraudulently obtain authentic documents to conceal a victim's identity for purpose of travel -- but none considered government corruption to be endemic. There were no specific corruption cases raised during the reporting period. NGOs and international organizations have also worked to establish best practices

within the ICFTP. The GOC gives limited assistance to victims through shelters, the MININT, the ICBF and the MSP, but it does not have the funds to provide security to all victims through the Fiscalía's protection program. Hence, the Fiscalía often relies on NGOs to serve as the primary conduit for assistance. The establishment of the COAT expects to increase the number of victims who wish to press charges by providing access to justice at the same location as victims assistance support.

27.E. (SBU) Each GOC entity maintains its own statistics. Some offices (DAS, MININT and Humanitas) have produced reports in the past on their work to combat trafficking. The ICFTP continues to work to implement the GOC policy to combat trafficking and make its findings on trends in trafficking known to the public as soon as results of data collected have been studied. The ICFTP and IOM expect the new RITRA system to help in identifying trends. The ICFTP, by law, must prepare reports for Congress.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS

28.A. (SBU) Law 985, passed on August 26, 2005, is entitled "For which measures are adopted against trafficking in persons and norms for the attention and protections of victims of the same," and prohibits trafficking for any economic or other benefit, such as sexual exploitation,

prostitution, work or other forced services, slavery or practices analogous to slavery, forced servitude, exploitation through mendicancy, servile marriage, the extraction of organs, sexual tourism, or any other form of exploitation. The law prohibits internal and transnational trafficking. The law covers the full scope of trafficking crimes and is being implemented. Other laws still in effect that punish trafficking in persons include:

-- Law 599 of 2000, which creates penalties for trafficking for purposes of prostitution equivalent to those for rape and sexual assault, carrying penalties of 6 to 8 years in prison and fines of up to 100 times the monthly minimum wage.

-- Law 747 of July 2002, which broadens the definition of trafficking in persons and provides for prison sentences between 10 and 15 years and fines up to 1,000 times the monthly minimum wage. According to this law, forcing someone into prostitution is punishable by 5 to 9 years in prison and a fine of up to 500 times the monthly minimum wage. These penalties can be increased by up to one-half if the victim is under 14 years of age, if the criminal planned to take the victim out of the country, or if the criminal is a family member. Penalties are also increased by one-third if the victim is under 18 years of age. Child pornography in any form is also criminalized with punishments of up to 10 years in prison and a fine of up to 1,000 times the monthly minimum salary. These penalties increase by half if the minor is 12 years or younger.

-- Law 890 of 2004, which entered into force on January 1, 2005, further increases the penalties from both Law 599 and Law 747 to 13 to 23 years in prison and fines of up to 1,500 times the monthly minimum wage. These penalties can increase by up to one-third if aggravated circumstances exist, such as if the victim is a minor (less than 18 years of age), the victim is mentally challenged, or if the trafficker is a family member or public servant. If the victim is under 12 years of age, the penalty increases by half. Additional charges of illegal detention, violation of the right to work in dignified conditions, and violation of personal freedom can be charged.

-- The Colombian Penal Code of 2000, article 219, which prohibits organizing or facilitating sexual tourism and provides penalties of three to eight years' imprisonment.

Colombia has also ratified the following international instruments:

-- The ILO Convention 182 on the Worst Forms of Child Labor, on January 15, 2005;

-- ILO Convention Number 29, in 1969;

-- ILO Convention 105, in 1963;

-- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, in November 2003; and

-- The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, in August 2004.

-- The Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women, in 2006.

28.B. (SBU) Penalties against traffickers are described in paragraph 29.A.

28.C. (SBU) The Ministry of Social Protection works with UNICEF and the International Labor Organization to prevent child labor in the country. The ICBF estimates that of the 2.5 million children under 18 are working in Colombia, only 20 percent of them work legally. Penalties against traffickers of labor exploitation are included in penalties

in paragraph 29.A

28.D. (SBU) In 2000, Law 599 (see para. 29.A) made the punishments for trafficking for purposes of prostitution equivalent to those for rape and sexual assault.

28.E. (SBU) Prostitution by adults is not considered a crime in Colombia, but the activities of pimps and other enforcers are criminalized. The legal minimum age for prostitution is 18 years. Prostitution is permitted in so-called "tolerance zones" in various cities. In these areas, the Institute of Urban Development monitors establishments of prostitution. The operation of prostitution establishments is monitored and operating without a license is severely punished.

28.F. (SBU) During the reporting period, the ICFTP and the Fiscalía reported 182 new investigations (83 under the old legal system, and 99 under the new oral accusatory system). There were 44 arrests and preventive detentions of individuals under prosecution awaiting trial. The Fiscalía reported 6 convictions during the reporting period for trafficking in persons crimes. Sentences in 3 of the cases ranged from 4 years to 12 years, and 3 individuals were awaiting sentencing at year's end. Forced labor and other forms of exploitation were prosecuted under the laws described in 29.A. The government actively investigates trafficking cases. When information is passed regarding a possible case of trafficking in persons, it is analyzed according to protocols of investigation under the direction and coordination of the Fiscalía. The CNP, DAS, and INTERPOL, which have units dedicated to investigating trafficking in persons crimes, take the lead in such investigations.

28.G. (SBU) The MFA and ICBF provide specialized training to MFA officials working overseas to help them recognize potential victims of trafficking and prepare a criminal report for authorities in Colombia. The training does not include special sensitivity for child victims. IOM trained 285 officials on specific trafficking issues and provided awareness-raising training to 30 NGO groups.

28.H. (SBU) The GOC cooperates with other governments in the investigation and prosecution of trafficking in persons. The GOC cooperates with host country governments where it has embassies and when victims of trafficking are identified and request repatriation. Fiscalía and DAS/INTERPOL offices work with their counterparts in other countries to conduct investigations. The Fiscalía and DAS worked with Peru, Costa Rica, Panama, Hong Kong, Japan, Singapore, Thailand, the Philippines, China, and Vietnam on the investigation of trafficking during the reporting period.

28.I. (SBU) The GOC can extradite persons charged with trafficking in other countries. The GOC can extradite its own nationals. However, there were no extraditions for persons charged with trafficking in the period March 2006-February 2007, and no requests for such extraditions, according to the MFA.

28.J. (SBU) Government officials neither facilitate nor condone trafficking in any official capacity.

28.K. (SBU) The GOC investigates all cases of corruption brought to its attention. Neither the DAS nor the Fiscalía has received any information about the involvement, or possible involvement, of government officials in trafficking in persons. No government officials have been prosecuted for involvement in trafficking or trafficking-related corruption. IOM was also not aware of any involvement during the reporting period.

28.L. (SBU) There were no reports of trafficking by any Colombian forces deployed abroad.

28.M. (SBU) The Colombian Penal Code of 2000 prohibits organizing or facilitating sexual tourism and provides

penalties of three to eight years' imprisonment. The Penal Code does not have extraterritorial coverage. The Penal Code does not differentiate between sexual tourism for the purpose of relations with children or adults. During the reporting period, the Government did not investigate, prosecute, or deport/extradite any foreign pedophiles.

PROTECTION AND ASSISTANCE TO VICTIMS

29.A. (SBU) Since Colombia is primarily a source and transit country, there is no demand for provision of temporary or permanent residency status or relief from deportation.

29.B. (SBU) Colombia is not a destination country. Colombia does not have specially-designated victim care or victim health care facilities. Foreign victims have the same access to care as domestic victims. In both domestic and international cases, MININT is responsible for providing safe passage for victims to return to their homes, lodging if needed, medical and psychological attention, access to financial and employment assistance, and information and legal support for the entire judicial process. The ICBF provides legal, medical, and psychological services for child victims in Colombia, the majority of whom are trafficked internally. MININT maintains a close relationship with The Hope Foundation and The Rebirth Foundation because victims often prefer to approach a private organization rather than a government office. ICFTP is finalizing plans for the COAT, scheduled to open in Spring 2008, that will serve as a central repository of assistance information, anti-trafficking programming, and a call-center for trafficking assistance and prevention.

29.C. (SBU) The GOC has increased its funding to NGOs in excess of USD 50,000 to provide food, shelter, and clothing for victims under 18. The GOC also maintains a close relationship with the IOM and NGOs like The Hope Foundation and provides them information on cases related to victims or potential victims of trafficking in persons domestically and abroad.

29.D. (SBU) The national call center, established by IOM, and handed over to the GOC in 2007, received 11,306 calls during the reporting period. According to both the GOC and IOM, many of the victims, though referred to the appropriate authority for their case, did not formally report their cases to the GOC, making assessing numbers of victims difficult. The Defensoria worked to develop an early warning alert system similar to those for displacement to focus on vulnerable areas for trafficking. The Fiscalia also formed a program entitled "Futuro Colombia" to work to identify and prevent future trafficking victims.

29.E. (SBU) The Government did not have a mechanism in place to screen for trafficking victims amongst legalized prostitution establishments.

29.F. (SBU) Victims rights are respected and victims are not detained or jailed. Victims are not prosecuted or fined for violations of other laws, such as prostitution.

29.G. (SBU) The GOC encourages victims to assist in the investigation and prosecution of trafficking. The right of victims to seek civil action against their traffickers is not impeded. The COAT, which will open in spring 2008, will serve as a centralized access point to justice for victims. However, many victims, fearing for their own safety or that of their families, are often reluctant to come forward. Colombia does not have a victim restitution program, but NGOs have programs to help victims reintegrate into society.

29.H. (SBU) The government provides protection to victims and witnesses through the Fiscalia. The program is activated when (a) a victim or witness files charges (i.e., they submit a complaint to a competent legal authority) against an alleged trafficker, and (b) after an investigation, the

complaint is found to have enough merit to warrant the Fiscalia bringing criminal charges against the alleged trafficker. The program includes provision of secure housing and an economic stipend for the victim or witness. As agreement for participation in the program, the victim or witness must agree not to leave the housing where they have been placed. The GOC does not provide shelter directly to

trafficking victims, but it does help victims find housing. The GOC relies on NGOs, such as IOM and the Hope Foundation, for most victims services.

29.I. (SBU) Overseas, Colombian consulates are supposed to provide legal and social assistance to Colombian citizens in need, including victims of trafficking. The GOC has contracted legal advisors and social workers to help support Colombians abroad. However, this type of assistance can only be provided in consular districts with at least 10,000 resident Colombians. The assistance of the MFA and/or the Embassy begins the moment information is provided by a family member or friend in Colombia or the victim gets in touch with the Embassy. The Embassy then coordinates with host government authorities to provide immediate protection. Please see paragraph 30.D. for NGO specialized training of GOC officials.

29.J. (SBU) Please see paragraphs 28.G., 29.I. and 30.D.

29.K. (SBU) The principal organizations that work with victims of trafficking are the IOM, The Hope Foundation, and The Rebirth Foundation. The level of cooperation received by the organizations from the GOC is good in most respects, with occasional operational difficulties on joint projects noted by some NGOs. The IOM and The Hope Foundation have provided short-term assistance to trafficking victims, including educational information, social support, and counseling. The IOM also provided victims with job training and employment opportunities through various programs, and helped victims obtain medical and psychological care. The Rebirth Foundation continues its work to contribute to the eradication of the sexual exploitation of children and adolescents. Its current activities include outreach work, education, health care and activity-based workshops in a variety of areas, and long-term shelters which help to adapt children to the routines of living in a house with others and encourages social integration and friendship. Vocational skills, educational training, and therapy are also provided.

PREVENTION

30.A. (SBU) The GOC acknowledges that trafficking is a problem in Colombia.

30.B. (SBU) In 2007, the Government supported IOM public campaigns on trafficking prevention. The campaign advertised a national hot line to prevent trafficking and report violators, supported by IOM but turned over officially to the GOC during the year. The MININT also launched a public information campaign entitled "The Fight Against Trafficking in Persons, the next victim could be you." The GOC, IOM, as well as other NGOs and civil society organizations hosted anti-trafficking websites with public information on what services were available to victims of trafficking (including the sites www.tratadepersonas.gov.co). The IOM, the UN Office on Drugs and Crime (UNODC), and several NGOs conducted informational campaigns to target potential victims and raise awareness. For example, the IOM continued to place large posters in airports, bus stations, foreign consulates, and travel agencies as well as professionally producing public service announcements on radio and television.

30.C. (SBU) The GOC maintains an open dialogue with NGOs, relevant organizations and elements of civil society on trafficking. Some NGOs and civil society organizations have requested more formal participation in the process, but the IOM and UNODC actively

participate in policy dialogue.

30.D. (SBU) The IOM continued to train Colombian passport officials and immigration officials from Colombia and foreign embassies to detect patterns of trafficking, with special emphasis on border areas in Ecuador and Panama. Since Colombia is primarily a source or transit country, officials are more sensitized in detecting potential victims who are departing rather than arriving, though an increase in Ecuadorian laborers has been noted over the year. The Hope Foundation in particular has continued to aggressively target airport officials and related travel companies to raise sensitivity about trafficking victims.

30.E. (SBU) The mechanism for GOC coordination is the ICFTP. The MININT presides over the ICFTP. The GOC does not have a public corruption task force, but there are internal affairs offices within the Fiscalía and the CNP. The Defensoria has the authority to conduct disciplinary investigations in every government entity.

30.F. (SBU) Law 985 establishes the responsibility of the ICFTP to create a national action plan to address trafficking in persons. The fourteen member agencies of the ICFTP (see para. 27.C) developed the plan with participation of civil society and NGOs. The ICFTP worked to integrate anti-trafficking issues into the National Plan of Development (2007-2010) and included anti-trafficking language in the National Strategy Against the Prevention and Eradication of the Worst Forms of Child Labor. Implementation of the National Integral Strategy for the Fight against Trafficking in Persons plan began in 2007.

30.G. (SBU) There are no major campaigns underway against commercial sex acts. The Colombian Congress is debating a law to further criminalize sexual exploitation of children with a focus on demand.

30.H. (SBU) Not applicable to Colombia.

30.I. (SBU) Not applicable to Colombia.
Brownfield